

House File 793 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON WAYS AND MEANS
(SUCCESSOR TO HF 335)
(SUCCESSOR TO HSB 8)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to administration of regional transportation by
2 regional transit districts and of highways and regulation of
3 motor vehicles by the state department of transportation,
4 including provisions relating to the placement of advertising
5 devices along primary highways, qualifications of property
6 appraisers, state standards for land surveying, destruction of
7 suspended or revoked driver's licenses, requirements for a
8 temporary restricted driver's license, registration and
9 titling of vehicles, legion of merit special registration
10 plates, antique motor vehicle registration plates and fees,
11 licensing of motor vehicle dealers, motor carrier registration
12 and fuel tax liability, the maximum length limitation for
13 single trucks, requirements for operation of certain
14 self-propelled implements of husbandry on secondary roads, and
15 disposition of regional transit district tax revenues
16 collected by a county treasurer, and providing effective
17 dates.
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
19 HF 793
20 dea/jg/25

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1 1 DIVISION I
1 2 HIGHWAYS
1 3 Section 1. Section 306C.11, subsection 2, Code 2007, is
1 4 amended to read as follows:
1 5 2. Advertising devices concerning activities conducted on
1 6 the property on which they are located, nor shall the property
1 7 upon which they are located be construed to mean located upon
1 8 any contiguous area having inconsistent use, size, shape, or
1 9 ownership. However, businesses located within the limits of a
1 10 commercial or industrial development may be advertised on a
1 11 sign located anywhere within the development regardless of
1 12 land ownership.
1 13 Sec. 2. Section 543D.3, unnumbered paragraph 2, Code 2007,
1 14 is amended to read as follows:
1 15 A person who is not a certified real estate appraiser under
1 16 this chapter may appraise real estate for compensation if
1 17 certification is not required by this chapter or by federal or
1 18 state law, rule, or policy. However, an employee of the state
1 19 department of transportation whose duties include appraisals
1 20 of property pursuant to chapter 6B must be a certified real
1 21 estate appraiser under this chapter or an associate real
1 22 estate appraiser registered by the board and acting under the
1 23 direct supervision of a certified real estate appraiser.
1 24 DIVISION II
1 25 LAND SURVEYING STANDARDS
1 26 Sec. 3. Section 355.5, subsection 4, Code 2007, is amended
1 27 to read as follows:
1 28 4. Distances shall be shown in decimal feet in accordance
1 29 with the definition of the international U.S. survey foot.
1 30 Distance measurements shall refer to the horizontal plane.
1 31 Sec. 4. Section 355.7, subsection 10, Code 2007, is
1 32 amended to read as follows:
1 33 10. Distance shall be shown in decimal feet in accordance
1 34 with the definition of the international U.S. survey foot.
1 35 Distance measurements shall refer to the horizontal plane.
2 1 Sec. 5. Section 355.8, subsection 13, Code 2007, is
2 2 amended to read as follows:

2 3 13. Distances shall be shown in feet to at least the
2 4 nearest one-tenth of a foot in accordance with the definition
2 5 of the ~~international~~ U.S. survey foot. Distance measurements
2 6 shall refer to the horizontal plane.

2 7 DIVISION III
2 8 MOTOR VEHICLES

2 9 Sec. 6. Section 321.16, Code 2007, is amended by adding
2 10 the following new unnumbered paragraph:
2 11 NEW UNNUMBERED PARAGRAPH. If a peace officer serves notice
2 12 of immediate suspension or revocation of a driver's license as
2 13 provided in this chapter or any other chapter, the peace
2 14 officer may destroy the license or send the license to the
2 15 department.

2 16 Sec. 7. Section 321.24, subsection 11, Code 2007, is
2 17 amended to read as follows:

2 18 11. If the county treasurer or department is not satisfied
2 19 as to the ownership of the vehicle or that there are no
2 20 undisclosed security interests in it, or a junking certificate
2 21 has been issued for the vehicle but a certificate of title
2 22 will not be reissued under section 321.52, subsection 3, and
2 23 the vehicle qualifies as an antique vehicle under section
2 24 321.115, subsection 1, the county treasurer or department may
2 25 register the vehicle but shall, as a condition of issuing a
2 26 certificate of title and registration receipt, require the
2 27 applicant to file with the department a bond in the form
2 28 prescribed by the department and executed by the applicant,
2 29 and either accompanied by the deposit of cash with the
2 30 department or also executed by a person authorized to conduct
2 31 a surety business in this state. The owner of a vehicle
2 32 subject to the bond requirements of this subsection shall
2 33 apply for a certificate of title and registration for the
2 34 vehicle at the county treasurer's office within thirty days of
2 35 issuance of written authorization from the department. The
3 1 bond shall be in an amount equal to one and one-half times the
3 2 current value of the vehicle as determined by the department
3 3 and conditioned to indemnify any prior owner and secured party
3 4 and any subsequent purchaser of the vehicle or person
3 5 acquiring any security interest in it, and their respective
3 6 successors in interest, against any expense, loss, or damage,
3 7 including reasonable attorney fees, by reason of the issuance
3 8 of the certificate of title of the vehicle or on account of
3 9 any defect in or undisclosed security interest upon the right,
3 10 title, and interest of the applicant in and to the vehicle.
3 11 Any such interested person has a right of action to recover on
3 12 the bond for any breach of its conditions, but the aggregate
3 13 liability of the surety to all persons shall not exceed the
3 14 amount of the bond. The bond, and any deposit accompanying
3 15 it, shall be returned at the end of three years or ~~prior~~
3 16 ~~thereto earlier~~ if the vehicle is no longer registered in this
3 17 state and the currently valid certificate of title is
3 18 surrendered to the department, unless the department has been
3 19 notified of the pendency of an action to recover on the bond.
3 20 The department may authorize issuance of a certificate of
3 21 title as provided in this subsection for a vehicle with an
3 22 unreleased security interest upon presentation of satisfactory
3 23 evidence that the security interest has been extinguished ~~and~~
3 24 ~~or that~~ the holder of the security interest cannot be located
3 25 to release the security interest as provided in section
3 26 321.50.

3 27 Sec. 8. Section 321.34, subsection 15, unnumbered
3 28 paragraph 1, Code 2007, is amended to read as follows:

3 29 The owner of a motor vehicle subject to registration under
3 30 section 321.109, subsection 1, motorcycle, trailer, or motor
3 31 truck, who has been awarded the legion of merit ~~may~~ shall be
3 32 issued one set of special registration plates with a legion of
3 33 merit processed emblem, upon written application to the
3 34 department and presentation of satisfactory proof of the award
3 35 of the legion of merit as established by the Congress of the
4 1 United States, ~~order special registration plates with a legion~~
4 2 ~~of merit processed emblem.~~ The emblem shall be designed by
4 3 the department in cooperation with the adjutant general and
4 4 shall signify that the owner was awarded the legion of merit.
4 5 The application is subject to approval by the department, in
4 6 consultation with the adjutant general. The special plates
4 7 shall be issued at no charge and are subject to an annual
4 8 registration fee of fifteen dollars. The county treasurer
4 9 shall validate the special plates in the same manner as
4 10 regular registration plates are validated under this section.

4 11 Sec. 9. Section 321.52, subsection 4, paragraph a, Code
4 12 2007, is amended to read as follows:

4 13 a. A vehicle rebuilder or a person engaged in the business

4 14 of buying, selling, or exchanging vehicles of a type required
4 15 to be registered in this state, upon acquisition of a wrecked
4 16 or salvage vehicle, shall surrender the certificate of title
4 17 or manufacturer's or importer's statement of origin properly
4 18 assigned, together with an application for a salvage
4 19 certificate of title, to the county treasurer of the county of
4 20 residence of the purchaser or transferee within thirty days
4 21 after the date of assignment of the certificate of title for
4 22 the wrecked or salvage motor vehicle. This subsection applies
4 23 only to vehicles with a fair market value of five hundred
4 24 dollars or more, based on the value before the vehicle became
4 25 wrecked or salvage. Upon payment of a fee of two dollars, the
4 26 county treasurer shall issue a salvage certificate of title
4 27 which shall bear the word "SALVAGE" stamped or printed on the
4 28 face of the title in a manner prescribed by the department. A
4 29 salvage certificate of title may be assigned to an educational
4 30 institution, a new motor vehicle dealer licensed under chapter
4 31 322, a person engaged in the business of purchasing bodies,
4 32 parts of bodies, frames or component parts of vehicles for
4 33 sale as scrap metal, a salvage pool, or an authorized vehicle
4 34 recycler licensed under chapter 321H. An authorized vehicle
4 35 recycler licensed under chapter 321H or a new motor vehicle
5 1 dealer licensed under chapter 322 may assign or reassign ~~a~~ an
5 2 Iowa salvage certificate of title or a salvage certificate of
5 3 title from another state to any person, and the provisions of
5 4 section 321.24, subsection 5, requiring issuance of an Iowa
5 5 salvage certificate of title shall not apply. A vehicle on
5 6 which ownership has transferred to an insurer of the vehicle
5 7 as a result of a settlement with the owner of the vehicle
5 8 arising out of damage to, or unrecovered theft of, the vehicle
5 9 shall be deemed to be a wrecked or salvage vehicle and the
5 10 insurer shall comply with this subsection to obtain a salvage
5 11 certificate of title within thirty days after the date of
5 12 assignment of the certificate of title of the vehicle.

5 13 Sec. 10. Section 321.112, Code 2007, is amended to read as
5 14 follows:

5 15 321.112 MINIMUM MOTOR VEHICLE FEE.

5 16 No motor vehicle, except as provided in ~~sections 321.115~~
5 17 ~~and section 321.117,~~ shall be registered for a registration
5 18 year for less than ten dollars.

5 19 Sec. 11. Section 321.115, Code 2007, is amended by
5 20 striking the section and inserting in lieu thereof the
5 21 following:

5 22 321.115 ANTIQUE VEHICLES == MODEL YEAR PLATES PERMITTED.

5 23 1. A motor vehicle twenty=five years old or older may be
5 24 registered as an antique vehicle upon payment of the fee
5 25 provided for in section 321.113, 321.122, or 321.124. The
5 26 owner of a motor vehicle registered under this subsection may
5 27 display authentic Iowa registration plates from the model year
5 28 of the motor vehicle, furnished by the person and approved by
5 29 the department, in lieu of the current and valid Iowa
5 30 registration plates issued for the vehicle, provided that the
5 31 current and valid Iowa registration plates and the
5 32 registration card issued for the vehicle are simultaneously
5 33 carried within the vehicle and are available for inspection to
5 34 any peace officer upon the officer's request.

5 35 2. The sale of a motor vehicle twenty years old or older
6 1 which is primarily of value as a collector's item and not as
6 2 transportation is not subject to chapter 322, and any person
6 3 may sell such a vehicle at retail without a license as
6 4 required under chapter 322.

6 5 3. Truck tractors and semitrailers used in combination for
6 6 exhibition and educational purposes may be registered and
6 7 driven according to the provisions of subsection 1. Truck
6 8 tractors and semitrailers registered under this section shall
6 9 not be used to haul loads.

6 10 4. A person convicted of a violation of this section is
6 11 guilty of a simple misdemeanor punishable as a scheduled
6 12 violation under section 805.8A, subsection 2, paragraph "b".

6 13 Sec. 12. Section 321.134, subsection 2, Code 2007, is
6 14 amended to read as follows:

6 15 2. The annual registration fee for trucks, truck tractors,
6 16 and road tractors, as provided in sections 321.121 and
6 17 321.122, may be payable in two equal semiannual installments
6 18 if the annual registration fee exceeds the registration fee
6 19 for a vehicle with a gross weight exceeding five tons. The
6 20 penalties provided in subsection 1 shall be computed on the
6 21 amount of the first installment only and on the first day of
6 22 the seventh month of the registration period the same rate of
6 23 penalty shall apply to the second installment, until the fee
6 24 is paid. Semiannual installments do not apply to commercial

6 25 vehicles, as defined under section 326.2, subject to
6 26 proportional registration, with a base state other than the
6 27 state of Iowa, as defined in section 326.2, subsection 1. The
6 28 penalty on vehicles registered under chapter 326 accrues
6 29 August 1 of each year except as provided in section 326.6.
6 30 The department shall not allow the registration fee for a
6 31 commercial vehicle registered under chapter 326 to be paid in
6 32 two equal semiannual installments for five years after the
6 33 registrant has paid the registration fee late for two
6 34 consecutive years.

6 35 Sec. 13. Section 321.206, Code 2007, is amended to read as
7 1 follows:

7 2 321.206 SURRENDER OF LICENSE == DUTY OF COURT.

7 3 If a person is convicted in court of an offense for which
7 4 this chapter requires mandatory revocation of the person's
7 5 driver's license or, if the person's license is a commercial
7 6 driver's license and the conviction disqualifies the person
7 7 from operating a commercial motor vehicle, the court shall
7 8 require the person to surrender the driver's license held by
7 9 the person and the court shall destroy the license or forward
7 10 the license together with a record of the conviction to the
7 11 department as provided in section 321.491.

7 12 Sec. 14. Section 321.285, Code 2007, is amended by adding
7 13 the following new subsection:

7 14 NEW SUBSECTION. 7. Notwithstanding any other speed
7 15 restrictions, a self-propelled implement of husbandry equipped
7 16 with flotation tires that is designed to be loaded and
7 17 operated in the field and used exclusively for the application
7 18 of organic or inorganic plant food materials, agricultural
7 19 limestone, or agricultural chemicals shall not be operated on
7 20 a highway at a speed in excess of thirty-five miles per hour.

7 21 Sec. 15. Section 321.457, subsection 2, paragraph a,
7 22 unnumbered paragraphs 1 and 2, Code 2007, are amended to read
7 23 as follows:

7 24 A single truck, unladen or with load, shall not have an
7 25 overall length, inclusive of front and rear bumpers, in excess
7 26 of ~~forty~~ forty-one feet. When determining the overall length
7 27 of a single truck, the following shall be excluded:

~~7 28 When determining the overall length of a single truck, the~~
~~7 29 following shall be excluded:~~

7 30 Sec. 16. Section 321.463, subsection 4, paragraph a,
7 31 unnumbered paragraph 1, Code 2007, is amended to read as
7 32 follows:

7 33 Self-propelled implements of husbandry used exclusively for
7 34 the application of organic or inorganic plant food materials,
7 35 agricultural limestone, or agricultural chemicals, unless
8 1 traveling under a permit issued pursuant to section 321E.8A,
8 2 shall be operated in compliance with this section.

8 3 Sec. 17. Section 321E.2, unnumbered paragraph 1, Code
8 4 2007, is amended to read as follows:

8 5 Annual, multi-trip, and single-trip permits shall be issued
8 6 by the authority responsible for the maintenance of the system
8 7 of highways or streets. However, the department may issue
8 8 permits on primary road extensions in cities in conjunction
8 9 with movements on the rural primary road system. The
8 10 department may issue an all-system permit under section 321E.8
8 11 which is valid for movements on all highways or streets under
8 12 the jurisdiction of either the state or those local
8 13 authorities which have indicated in writing to the department
8 14 those streets or highways for which an all-system permit is
8 15 not valid. The department may issue annual permits pursuant
8 16 to section 321E.8A valid only for operation on noninterstate
8 17 highways in counties stipulated in the permit.

8 18 Sec. 18. Section 321E.7, Code 2007, is amended by adding
8 19 the following new subsection:

8 20 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2, a
8 21 self-propelled implement of husbandry traveling under a permit
8 22 issued pursuant to section 321E.8A may exceed the maximum axle
8 23 loads prescribed under section 321.463 only when operated
8 24 unladen on a noninterstate highway in a county covered under
8 25 the permit, provided the weight on any one axle does not
8 26 exceed twenty-five thousand pounds, and provided the current
8 27 and valid permit is carried in the vehicle. For purposes of
8 28 this subsection, "noninterstate highway" does not include a
8 29 bridge.

8 30 Sec. 19. NEW SECTION. 321E.8A SELF-PROPELLED IMPLEMENT
8 31 OF HUSBANDRY == ANNUAL PERMIT.

8 32 1. A self-propelled implement of husbandry equipped with
8 33 flotation tires that is designed to be loaded and operated in
8 34 the field and used exclusively for the application of organic
8 35 or inorganic plant food materials, agricultural limestone, or

9 1 agricultural chemicals, and that, as newly manufactured,
9 2 exceeds the axle weight limits under section 321.463 when
9 3 unloaded, may be operated on noninterstate highways, excluding
9 4 bridges, in a county pursuant to a permit issued by the
9 5 department for travel within the county. Prior to issuing a
9 6 permit, the department shall collect a fee of six hundred
9 7 dollars for each county in which the vehicle will be operated
9 8 during the period of the permit beginning July 1 and ending
9 9 June 30, provided that a permit shall not be issued for a
9 10 vehicle for operation in more than ten counties and the total
9 11 amount of fees collected for a vehicle for the period of the
9 12 permit shall not exceed three thousand five hundred dollars.
9 13 Moneys collected by the department on behalf of the counties
9 14 in which the vehicle will be operated shall be allotted
9 15 equally to those counties and deposited in the secondary road
9 16 funds of those counties. A vehicle for which a permit is
9 17 issued under this section shall be assigned a permit number
9 18 that shall be displayed on the door of the vehicle in numbers
9 19 that contrast sharply in color with the background on which
9 20 the number is placed, be readily legible during daylight hours
9 21 from a distance of fifty feet when the vehicle is stationary,
9 22 and be maintained in a manner that retains the legibility.
9 23 Only vehicles originally purchased or ordered prior to
9 24 February 1, 2007, are eligible for a permit. New permits
9 25 shall not be issued on or after July 1, 2007; however, a
9 26 permit issued for a vehicle under this section prior to July
9 27 1, 2007, may be renewed for that vehicle annually upon payment
9 28 of the appropriate county fees.

9 29 2. A vehicle described in subsection 1 shall not be
9 30 operated on a highway without a permit issued under this
9 31 section. The owner of a vehicle that is operated in violation
9 32 of section 321E.7, subsection 4, or this section is subject to
9 33 a civil penalty of ten thousand dollars, in addition to any
9 34 other penalties that may apply.

9 35 Sec. 20. Section 321J.4, subsection 9, paragraph d, Code
10 1 2007, is amended to read as follows:

10 2 d. The court shall determine if the temporary restricted
10 3 license is necessary for the person to maintain the person's
10 4 present employment. However, a temporary restricted license
10 5 shall not be ordered or issued for a violation of section
10 6 321J.2A or to a person under the age of twenty-one whose
10 7 license is revoked under this section or section 321J.9 or
10 8 321J.12. If the court determines that the temporary
10 9 restricted license is necessary for the person to maintain the
10 10 person's present employment, and that the minimum period of
10 11 ineligibility for receipt of a temporary license has expired,
10 12 the court shall order the department to issue to the person a
10 13 temporary restricted license conditioned upon the person's
10 14 certification to the court of the installation of approved
10 15 ignition interlock devices in all motor vehicles that it is
10 16 necessary for the person to operate to maintain the person's
10 17 present employment. A person whose driver's license or
10 18 nonresident operating privilege has been revoked under section
10 19 321J.21 may apply to the department for a temporary restricted
10 20 license without the requirement of an ignition interlock
10 21 device if at least twelve years have elapsed since the end of
10 22 the underlying revocation period for a violation of section
10 23 321J.2.

10 24 Sec. 21. Section 322.4, Code 2007, is amended to read as
10 25 follows:

10 26 322.4 APPLICATION FOR LICENSE.

10 27 1. Each person before engaging in this state in the
10 28 business of selling at retail motor vehicles or representing
10 29 or advertising that the person is engaged or intends to engage
10 30 in such business in this state shall file in the office of the
10 31 department an application for license as a motor vehicle
10 32 dealer in the state in such form as the department may
10 33 prescribe, duly verified by oath, which application shall
10 34 include the following:

10 35 i- a. The name of the applicant and the applicant's
11 1 principal place of business wherever situated-, and the
11 2 following, as appropriate:

11 3 a- (1) If the applicant is an ~~individual~~ -- the
11 4 individual, the name or style under which the individual
11 5 intends to engage in such business.

11 6 b- (2) If the applicant is a ~~copartnership~~ -- the
11 7 copartnership, the name or style under which such the
11 8 copartnership intends to engage in such business and the name
11 9 and post-office bona fide address of each partner two
11 10 partners.

11 11 e- (3) If the applicant is a ~~corporation~~ -- the

11 12 corporation, the state of incorporation and the name and
11 13 post-office bona fide address of each officer and director
~~11 14 thereof two officers of the corporation.~~

11 15 ~~2-~~ b. The make or makes of new motor vehicles, if any,
11 16 which the applicant will offer for sale ~~to~~ at retail in this
11 17 state.

11 18 ~~3-~~ c. The location of each place of business within this
11 19 state to be used by the applicant for the conduct of the
11 20 applicant's business.

11 21 ~~4-~~ d. If the applicant is a party to any contract or
11 22 agreement or understanding with any manufacturer or
11 23 distributor of motor vehicles or is about to become a party to
11 24 such a contract, agreement, or understanding, the applicant
11 25 shall state the name of each such manufacturer ~~and or~~
11 26 distributor and the make or makes of new motor vehicles, if
11 27 any, which are the subject matter of each such contract.

11 28 ~~5-~~ e. A statement of the previous history, record, and
11 29 association of the applicant and if the applicant is a
11 30 copartnership, of each partner thereof, and if the applicant
11 31 is a corporation, of each officer and director thereof, which
11 32 statement shall be sufficient to establish to the department
11 33 the reputation in business of the applicant.

11 34 ~~6-~~ f. A description of the general plan and method of
12 35 doing business in this state, which the applicant will follow
12 1 if the license applied for in such application is granted.

12 2 ~~7-~~ g. Before the issuance of a motor vehicle dealer's
12 3 license to a dealer engaged in the sale of vehicles for which
12 4 a certificate of title is required under chapter 321, the
12 5 applicant shall furnish a surety bond executed by the
12 6 applicant as principal and executed by a corporate surety
12 7 company, licensed and qualified to do business within this
12 8 state, which bond shall run to the state of Iowa, be in the
12 9 amount of fifty thousand dollars and be conditioned upon the
12 10 faithful compliance by the applicant as a dealer with all of
12 11 the statutes of this state regulating or applicable to the
12 12 business of a dealer in motor vehicles, and indemnifying any
12 13 person who buys a motor vehicle from the dealer from any loss
12 14 or damage occasioned by the failure of the dealer to comply
12 15 with any of the provisions of chapter 321 and this chapter,
12 16 including, but not limited to, the furnishing of a proper and
12 17 valid certificate of title to the motor vehicle involved in a
12 18 transaction. The bond shall also indemnify any motor vehicle
12 19 purchaser from any loss or damage caused by the failure of the
12 20 dealer to comply with the odometer requirements in section
12 21 321.71, regardless of whether the motor vehicle was purchased
12 22 directly from the dealer. The bond shall be filed with the
12 23 department prior to the issuance of a license. The aggregate
12 24 liability of the surety, however, shall not exceed the amount
12 25 of the bond.

12 26 ~~8-~~ h. Proof that the applicant has financial liability
12 27 coverage as defined in section 321.1, except that such
12 28 coverage shall be in limits of not less than one hundred
12 29 thousand dollars because of bodily injury to or death of one
12 30 person in any one accident and, subject to the limit for one
12 31 person, three hundred thousand dollars because of bodily
12 32 injury to or death of two or more persons in any one accident,
12 33 and fifty thousand dollars because of injury to or destruction
12 34 of property of others in any one accident.

12 35 ~~9-~~ i. Such other information touching the business of the
13 1 applicant as the department may require.

13 2 2. For the purpose of investigating the matters contained
13 3 in such application, the department may withhold the granting
13 4 of a license for a period not exceeding thirty days.

13 5 3. For purposes of this section, "bona fide address" means
13 6 the same as defined in section 321.1.

13 7 Sec. 22. Section 322.7, subsection 1, Code 2007, is
13 8 amended to read as follows:

13 9 1. If the department grants the application of any person
13 10 for a license as a motor vehicle dealer, it shall evidence the
13 11 granting thereof by a final order and shall issue to the
13 12 person a license in such form as may be prescribed by the
13 13 department, which license shall include the following:

13 14 ~~a. The name of the person licensed.~~

13 15 ~~b. a. If the applicant is an individual or a~~
13 16 ~~copartnership -- the copartnership, the name or style under~~
13 17 ~~which the licensee will engage in such business and if a~~
~~13 18 copartnership, the name and address of each partner.~~

13 19 ~~c. b.~~ The principal place of business of the licensee and
13 20 location therein of each place wherein the licensee is
13 21 licensed to carry on such business.

13 22 ~~d. c.~~ The make or makes of new motor vehicles which the

13 23 licensee is licensed to sell.
13 24 Sec. 23. Section 326.10A, Code 2007, is amended to read as
13 25 follows:
13 26 326.10A PAYMENT BY CHECK.
13 27 The department shall accept payment of fees under this
13 28 chapter by personal or corporate check. The fee shall be
13 29 deemed to have been paid upon receipt of the check. If the
13 30 check is not honored, all fees and penalties shall accumulate
13 31 as if the fee was not paid. After appropriate warning from
13 32 the department, the registration account shall be suspended,
13 33 collection pursued, and the delinquent registration fees shall
13 34 become a debt due the state of Iowa. After a dishonored check
13 35 has been received from an applicant, payments submitted by the
14 1 applicant during the following year must be made with
14 2 guaranteed funds. However, the department may instead accept
14 3 payment in the form of a corporate check made on behalf of the
14 4 applicant from an approved company with a satisfactory payment
14 5 history.

14 6 Sec. 24. Section 326.16, Code 2007, is amended by adding
14 7 the following new subsection:
14 8 NEW SUBSECTION. 3. Failure to receive a renewal notice or
14 9 an invoice by mail, facsimile transmission, or any other means
14 10 of delivery does not relieve the registrant of the financial
14 11 responsibility for the renewal fees, invoiced amount, or
14 12 accrued penalties.

14 13 Sec. 25. NEW SECTION. 326.24 REGISTRATION DENIED OR
14 14 SUSPENDED.

14 15 If the international fuel tax agreement license issued to
14 16 an applicant or registrant under chapter 452A is suspended or
14 17 revoked or if the director refuses to issue an international
14 18 fuel tax agreement license because of unpaid debt, the
14 19 director may deny or suspend the applicant's or registrant's
14 20 registration under this chapter.

14 21 Sec. 26. Section 327B.1, Code 2007, is amended to read as
14 22 follows:

14 23 327B.1 AUTHORITY SECURED AND REGISTERED.

14 24 1. a. It is unlawful for a carrier to perform an
14 25 interstate transportation service for compensation upon the
14 26 highways of this state without first registering the authority
14 27 obtained from the United States department of transportation
14 28 or evidence that such authority is not required with the state
14 29 department of transportation.

14 30 ~~2. b.~~ The department shall participate in the single
14 31 state insurance registration program for regulated motor
14 32 carriers as provided in 49 U.S.C. } 14504 and United States
14 33 department of transportation regulations.

14 34 ~~3. c.~~ Registration for carriers transporting commodities
14 35 exempt from United States department of transportation
15 1 regulation shall be granted without hearing upon application
15 2 and payment of a twenty-five-dollar filing fee and an annual
15 3 one-dollar fee per vehicle.

15 4 ~~4. d.~~ The state department of transportation may execute
15 5 reciprocity agreements with authorized representatives of any
15 6 state exempting nonresidents from payment of fees as set forth
15 7 in this chapter. The state department of transportation shall
15 8 adopt rules pursuant to chapter 17A for the identification of
15 9 vehicles operated under reciprocity agreements.

15 10 ~~5. e.~~ Fees may be subject to reduction or proration
15 11 pursuant to sections 326.5 and 326.32.

15 12 2. a. On and after the date on which the secretary of the
15 13 United States department of transportation establishes the
15 14 unified carrier registration system in accordance with Title
15 15 49, United States Code, as amended by Pub. L. No. 109-59, a
15 16 foreign or domestic motor carrier, motor private carrier,
15 17 leasing company, broker, or freight forwarder shall not
15 18 operate any motor vehicle on the highways of this state
15 19 without first registering the motor vehicle under the unified
15 20 carrier registration system and paying all required fees.

15 21 b. The state department of transportation shall continue
15 22 to require each interstate for-hire motor carrier to make an
15 23 annual payment of one dollar per owned and operated vehicle
15 24 for filings made with the state department of transportation
15 25 under the single state registration system until the
15 26 occurrence of the transition termination date in accordance
15 27 with 49 U.S.C. } 13902(f), as amended by Pub. L. No. 109-59.

15 28 c. The state department of transportation may participate
15 29 in the unified carrier registration plan and agreement
15 30 established in accordance with 49 U.S.C. } 14504a, as amended
15 31 by Pub. L. No. 109-59, and to file on behalf of the state the
15 32 plan required by the provisions of 49 U.S.C. } 14504a(e).

15 33 ~~6. 3.~~ A motor carrier shall keep proper evidence of

15 34 interstate authority in the motor vehicle being operated by
15 35 the motor carrier and the motor carrier owner or driver shall
16 1 make such evidence available to a peace officer upon request.
16 2 ~~7-~~ 4. A motor carrier owner or driver charged with
16 3 failure to have proper evidence of interstate authority shall
16 4 not be convicted of such violation and the citation shall be
16 5 dismissed by the court if the person produces to the clerk of
16 6 court prior to the date of such person's court appearance as
16 7 indicated on the citation, proof of interstate authority
16 8 issued to that person and valid at the time the person was
16 9 charged with the violation under this section. Upon
16 10 dismissal, the court or clerk of court shall assess the costs
16 11 of the action against the defendant named on the citation.

16 12 Sec. 27. Section 327B.6, Code 2007, is amended by adding
16 13 the following new unnumbered paragraph:

16 14 NEW UNNUMBERED PARAGRAPH. This section is repealed on the
16 15 transition termination date referred to in section 327B.1,
16 16 subsection 2, paragraph "b".

16 17 Sec. 28. Section 452A.54, unnumbered paragraph 4, Code
16 18 2007, is amended to read as follows:

16 19 To determine the amount of fuel taxes due under this
16 20 division and to prevent the evasion thereof, the state
16 21 department of transportation shall require a quarterly report
16 22 on forms prescribed by the state department of transportation.
16 23 It shall be filed not later than the last day of the month
16 24 following the quarter reported, and each quarter thereafter.
16 25 These reports shall be required of all persons who have been
16 26 issued a permit or license under this division and shall cover
16 27 actual operation and fuel consumption in Iowa on the basis of
16 28 the permit or license holder's average consumption of fuel in
16 29 Iowa, determined by the total miles traveled and the total
16 30 fuel purchased and consumed for highway use by the permittee's
16 31 or licensee's commercial motor vehicles in the permittee's or
16 32 licensee's entire operation in all states to establish an
16 33 overall miles per gallon ratio, which ratio shall be used to
16 34 compute the gallons used for the miles traveled in Iowa.

16 35 Failure to receive a quarterly report or fuel credentials by
17 1 mail, facsimile transmission, or any other means of delivery
17 2 does not relieve a person from the person's fuel tax liability
17 3 or from the requirement to display current fuel credentials.

17 4 Sec. 29. Section 452A.68, unnumbered paragraph 2, Code
17 5 2007, is amended to read as follows:

17 6 If a licensee abuses the privileges for which the license
17 7 was issued, fails to produce records reasonably requested, ~~or~~
17 8 fails to extend reasonable ~~co-operation~~ cooperation to the
17 9 appropriate state agency, or has been suspended for nonpayment
17 10 of fees under chapter 326 and still owes fees to the

17 11 department, the licensee shall be advised in writing of a
17 12 hearing scheduled to determine if the license shall be
17 13 canceled. The appropriate state agency upon the presentation
17 14 of a preponderance of evidence may cancel a license for cause.

17 15 Sec. 30. SINGLE STATE REGISTRATION SYSTEM TERMINATION DATE
17 16 == NOTICE TO CODE EDITOR. The state department of
17 17 transportation shall notify the Code editor of the date
17 18 determined by the secretary of the United States department of
17 19 transportation to be the transition termination date which is
17 20 established as the effective date of the repeal of section
17 21 327B.6, as amended in this Act.

17 22 Sec. 31. IMPLEMENTATION OF PERMITTING PROCESS FOR CERTAIN
17 23 SELF=PROPELLED IMPLEMENTS OF HUSBANDRY. The department of
17 24 transportation shall begin accepting applications for permits
17 25 required under section 321E.8A, as enacted in this Act, on or
17 26 before June 1, 2007, and shall provide for the issuance of
17 27 those permits prior to July 1, 2007, to be effective July 1,
17 28 2007.

17 29 Sec. 32. 2006 Iowa Acts, chapter 1070, section 5, is
17 30 repealed.

17 31 Sec. 33. Sections 327B.4 and 327B.7, Code 2007, are
17 32 repealed.

17 33 Sec. 34. EFFECTIVE DATES.

17 34 1. The section of this Act amending section 321.457, being
17 35 deemed of immediate importance, takes effect upon enactment.

18 1 2. The sections of this Act amending sections 327B.1 and
18 2 327B.6, and repealing sections 327B.4 and 327B.7, being deemed
18 3 of immediate importance, take effect upon enactment.

18 4 3. The section of this Act repealing 2006 Iowa Acts,
18 5 chapter 1070, section 5, being deemed of immediate importance,
18 6 takes effect upon enactment.

18 7 4. The sections of this Act amending sections 321.112 and
18 8 321.115 take effect July 1, 2008.

18 9 5. The section of this Act requiring the department of

18 10 transportation to implement the permitting process for certain
18 11 self-propelled implements of husbandry, being deemed of
18 12 immediate importance, takes effect upon enactment.

18 13 DIVISION IV
18 14 REGIONAL TRANSIT DISTRICTS

18 15 Sec. 35. Section 28M.4, subsection 6, Code 2007, is
18 16 amended to read as follows:

18 17 6. ~~All moneys received by the commission Tax revenues~~
18 18 ~~collected from a regional transit district levy shall be held~~
18 19 ~~by the county treasurer in a separate fund. If more than one~~
18 20 ~~county is participating in the regional transit district, the~~
18 21 ~~moneys shall be paid to the county treasurer of the~~
18 22 ~~participating county with the largest population. Moneys may~~
18 23 ~~be paid out of the fund only at the direction of the~~
18 24 ~~commission. Before the fifteenth day of each month, the~~
18 25 ~~county treasurer shall send the amount collected for each fund~~
18 26 ~~through the last day of the preceding month for direct deposit~~
18 27 ~~into the depository and account designated by the commission.~~
18 28 ~~The county treasurer shall send a notice to the secretary of~~
18 29 ~~the commission or the secretary's designee stating the amount~~
18 30 ~~deposited, the date, the amount to be credited to each fund~~
18 31 ~~according to the budget, and the source of the revenue.~~

18 32 HF 793

18 33 dea:rj/jg/25